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September 29, 2023

BY ECF

Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Acosta, et al. v. City of New York, et al.,
22-CV-00576 (FB) (RER)

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York, and New York City Police Department Police Officers Ramos, Schmidt, Holguin, O'Connor, Lopez, Feliciano, Green, Barrios, Spalding, and Lugo (hereinafter “defendants”) in the above-referenced matter. Defendants write to respectfully request a sixty (60) day enlargement of time, from September 30, 2023 until November 29, 2023, to complete discovery. Plaintiff’s counsel, Jessica Massimi, Esq., consents to this request.

By way of background, on July 31, 2023 the parties requested an enlargement of time to complete fact discovery. (*See* ECF No. 37). Thereafter, on August 2, 2023 Your Honor granted the parties’ request and extended fact discovery to September 30, 2023. (*See* Docket Entry dated August 2, 2023).

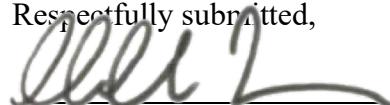
On September 26, 2023, defendants served *separate* Rule 68 Offers of Judgment (“the Offer”) on plaintiffs Acosta and Wanebo. Pursuant to the language of the Offer, plaintiffs’ deadline to accept defendants’ Rule 68 offer is October 10, 2023. In light of defendants’ Offers, the proposed enlargement of time would afford plaintiffs the opportunity to fully consider defendants’ offers and, in the event that the matter cannot be resolved, enable the parties to finalize deposition

schedules.¹ Moreover, defendants require additional time to produce disciplinary records pertaining to the nine new defendants named in plaintiffs' First Amended Complaint. (See ECF No. 23).

Accordingly, and with plaintiffs' consent, defendants respectfully request a sixty (60) day enlargement of time, from September 30, 2023 until November 29, 2023, to complete fact discovery. Defendants thank the Court for its consideration of this request.

Respectfully submitted,

By:


Michael Pesin-Virovets
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cc: **By ECF**

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¹ Plaintiff's counsel, Jessica Massimi, Esq., is currently away from the office and, therefore, is not in a position to provide deposition dates.